



PATENT
ATTORNEY DOCKET NO. IMARX1210-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Evan C. Unger
Application No.: 10/084,855
Filed: February 27, 2005
Title: NOVEL ACOUSTICALLY ACTIVE DRUG DELIVERY SYSTEMS

Mail Stop: RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

TERMINAL DISCLAIMER

Sir:

The undersigned attorney of record for Petitioner, IMARX THERAPEUTICS, INC., a corporation with its place of business at 1635 East 18th Street, Tucson, Arizona 85719, represents that Petitioner is the Owner of 100 percent interest in Application No. 10/084,855, filed February 27, 2002, entitled NOVEL ACOUSTICALLY ACTIVE DRUG DELIVERY SYSTEM, as evidenced by the Assignment recorded in the United States Patent and Trademark Office on May 20, 2002, at Reel 012908, Frame 0756.

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on <u>July 8, 2005</u> , in an envelope addressed to: Mail Stop: RCE Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Karin E. Harden (Name of Person Mailing Paper)	
<u><i>Karin E. Harden</i></u> (Signature)	July 8, 2005 (Date)

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The undersigned, attorney of record further represents that IMARX THERAPEUTICS, INC., a corporation, with its place of business at 1635 East 18th Street, Tucson, Arizona 85719, is the Owner of 100 percent interest in U.S. Patent No. 6,146,657, entitled GAS-FILLED LIPID SPHERES FOR USE IN DIAGNOSTIC AND THERAPEUTIC APPLICATIONS, as evidenced by the Assignment recorded in the United States Patent and Trademark Office on at Reel 008250, Frame 0496.

The undersigned, attorney of record further represents that IMARX THERAPEUTICS, INC., a corporation, with its place of business at 1635 East 18th Street, Tucson, Arizona 85719, is the Owner of 100 percent interest in U.S. Patent No. 6,139,819, entitled NOVEL TARGETED CONTRAST AGENTS FOR DIAGNOSTIC AND THERAPEUTIC USE, as evidenced by the Assignment recorded in the United States Patent and Trademark Office on at Reel 011436, Frame 0117.

The undersigned, attorney of record further represents that IMARX THERAPEUTICS, INC., a corporation, with its place of business at 1635 East 18th Street, Tucson, Arizona 85719, is the Owner of 100 percent interest in U.S. Patent No. 6,071,494, entitled METHODS FOR DIAGNOSTIC IMAGING USING A CONTRAST AGENT AND A RENAL VASODILATOR, as evidenced by the Assignment recorded in the United States Patent and Trademark Office on at Reel 009449, Frame 0305.

The undersigned, attorney of record further represents that IMARX THERAPEUTICS, INC., a corporation, with its place of business at 1635 East 18th Street, Tucson, Arizona 85719, is the Owner of 100 percent interest in U.S. Patent No. 6,414,139, entitled NOVEL SILICON AMPHIPHILIC COMPOUNDS AND THE USE THEREOF, as evidenced by the Assignment recorded in the United States Patent and Trademark Office on at Reel 011436, Frame 0117.

The evidentiary documents referred to herein have been reviewed by the undersigned and it is certified that to the best of the undersigned's knowledge and belief, title is in the Owners as set forth above.

Pursuant to 37 C.F.R. § 1.321(c), the undersigned, on behalf of Petitioner, IMARX THERAPEUTICS, INC., disclaims the terminal part of any patent granted on the above-identified Application No. 10/084,855 that would extend beyond the expiration date of U.S. Patent No. 6,146,657 granted on November 14, 2000; U.S. Patent No. 6,139,819 granted on October 31, 2000; U.S. Patent No. 6,071,494 granted on June 6, 2000; and U.S. Patent No. 6,414,139 granted on July 2, 2002. Petitioner hereby agrees that any patent so granted on the above-identified application No. 10/084,855 shall be enforceable only for and during such period that said patent and patent granted on U.S. Patent Nos. 6,146,657; 6,139,819; 6,414,13; and 6,071,040, are commonly owned, this Agreement to run with any patent granted on the above-identified application and to be binding upon the grantees, its successor or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are

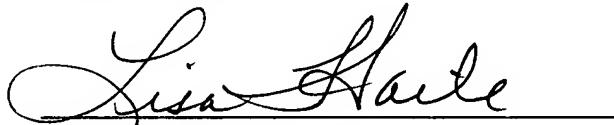
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punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Enclosed is Check No. 578416 in the amount of \$130.00 for the Terminal Disclaimer fee. The Commissioner is hereby authorized to charge for any other fees that may be associated with this communication, or credit any overpayment to Deposit Account No. 07-1896.

Respectfully submitted,



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Date: July 8, 2005

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